GOVERNMENT OF INDIA
SOCIAL JUSTICE AND EMPOWERMENT
LOK SABHA

UNSTARRED QUESTION NO:4205
ANSWERED ON:19.04.2002
RESERVATION FOR HANDICAPPED PERSONS
T.T.V. DHINAKARAN

Will the Minister of SOCIAL JUSTICE AND EMPOWERMENT be pleased to state:

(a) whether the Government are aware of the judgement given by the Supreme Courtin March, 2002 to provide reservation to the handicapped persons;

(b) if so, the details thereof and the reaction of the Government thereto;

(c) whether this percentage of reservation will be over and above the ceiling of 50% reservation imposed by the Supreme Court; and

(d) if so, the details thereof?

Answer

THE MINISTER OF SOCIAL JUSTICE AND EMPOWERMENT (DR. SATYANARAYAN JATIYA)

(a) & (b) The Hon`ble Supreme Court, in March, 2002 on a Writ Petition No. 115/1998(All India Confederation of the Blind & Anr. Versus the Union of India & others)relating to the prayer on reservation of the identified teaching posts in the Faculties and Colleges of various Universities in terms of Section 33 of the Persons with Disabilities Act, 1995, for the visually handicapped persons, while disposing of the case so far as University Grants Commission (U.G.C.) isconcerned, ordered that in view of the stand taken by the Government, nothing survives for consideration in so far as U.G.C. is concerned.

(c) & (d) The Persons with Disabilities Act, 1995 provides for 3% reservationfor persons with disabilities against identified posts. According to the instruction issued in 1997 by the Department of Personnel & Training, while reservation for SC/ST/OBCs, is additive and is called vertical reservation, the reservation for physically handicapped persons is termed as horizontal reservation which cuts across the vertical reservation and the person selected against the physically handicapped quota is to be placed in the appropriate category within the ceiling imposed by the Hon`ble Supreme Court.